

Oklahoma National Guard Army and Air Full-Time Support

HUMAN RESOURCES INFORMATION LETTER

Headquarters, Oklahoma National Guard
Oklahoma City, Oklahoma 73111-4398

No. 04-01
DATE: 21 January 2004

22 Days Military Law Enforcement Leave Preliminary Guidance

Subject: New Provisions on Applicability of Law Enforcement Leave (LEL) for Active Duty Contingency Operations, 22 Days (176 hours) per Calendar Year

References:

<http://www.DFAS.mil/money/civpay/earnings-ded.pdf>
<http://www.opm.gov/oca/LEAVE/HTML/MILQA.asp>

<http://www.opm.gov/oca/LEAVE/HTML/military.HTM>
<http://www.opm.gov/oca/LEAVE/HTML/MILITARY.ASP>

Eligibility. National Guard (NG) technicians serving under a permanent or indefinite appointment status

Effective Date: 24 Nov 03

Availability: Twenty-two (22) workdays of LEL are available for usage at the beginning of each calendar year (CY). Convert the 22 days into 176 hours. There is no pro-ration for a partial year. No carry-over of unused LEL occurs from CY to CY.

Use: There are two conditions under which employees are entitled to an additional 22 days of military leave (a.k.a. LEL) under the provisions of 5 U.S.C. 6323(b). Reservists or National Guard members who perform military duty in support of civil authorities in the protection of life and property are eligible for an additional 22 workdays of military leave. In addition, effective November 24, 2003, employees who perform full-time military service as a result of a call or order to active duty in support of a contingency operation as defined in section 101(a)(13) of title 10, United States Code, are entitled to 22 days of military leave under 5 U.S.C. 6323(b). LEL **is not** a dual compensation leave. This means the technician does not keep both military and technician pay. It is in addition to the 120 hours of military leave. And, the 22 days is managed in hourly increments, totaling 176 hours.

Compensation: An employee is entitled to the greater of his civilian or military pay, not both. For military LEL under 5 U.S.C. 6323(b), the employee's civilian pay is reduced by the amount of military pay for the days of military LEL. The military pay received by an individual who has been activated in support of a contingency operation (as defined in 10 U.S.C. 101(a)(13)) must be credited (less any travel, transportation, or other per diem allowances) against any Federal civilian pay the employee received during the 22 workdays of military leave provided by 5 U.S.C. 6323(b). The servicing finance office may calculate the amount of military pay (less any travel, transportation, or per diem allowances) an employee will receive for the time period that corresponds to the 22 workdays of military leave and reduce the employee's civilian pay by that amount during the 22 workdays of military leave. In contrast, finance may choose to continue to pay the employee his or her full civilian pay during the 22 workdays of military leave. At the end of the 22-day period of military leave, the agency requires the employee to refund to the agency an amount equal to the amount of military pay received (less any travel, transportation, or per diem allowances) up to the amount of his or her civilian pay for the time period that corresponds to the 22 workdays of military leave.

Your points of contact are Maj Shirley Kyles at (405) 228-5578 or 2Lt James Baxter at (405) 228-5527.

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